

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GRANT CLEVERLEY, in his individual
capacity and on behalf of nominal plaintiff
ALLSITE STRUCTURE RENTALS, LLC,
also a defendant herein,

Plaintiff,

vs.

CHARLES BALLANTYNE, an individual;
ALLSITE STRUCTURE RENTALS, LLC,

Defendants.

Case No. 2:12-cv-00444-GMN-GWF

ORDER

**Plaintiff's Corrected Motion for
Appropriate Relief - #167**

This matter is before the Court on Plaintiff's Corrected Motion for Appropriate Relief (#167), filed on December 18, 2013. Defendants filed their Objection and Request to Strike Plaintiff's Motion (#168) on December 26, 2013, and Plaintiff filed his Reply (#170) on December 30, 2013.

BACKGROUND AND DISCUSSION

Plaintiff's Motion asks this Court to defer ruling on Defendant's Partial Motion to Dismiss and/or Motion to Strike Second Amended Complaint (##147, 148) so that Plaintiff may file a motion for leave to file a third amended complaint. Briefing on Defendant's Motion (##147, 148) was completed on November 27, 2013. The Court heard oral argument on that motion on December 4, 2013. Plaintiff's instant Corrected Motion for Appropriate Relief (#167) is improper because he did not request leave of court to file a supplemental brief with respect to Motion (##147, 148). *See Randazza v. Cox*, 2013 WL 5566230, *2 (D.Nev. 2013) ("The Federal Rules of Civil Procedure and the Local Rules of Practice allow parties to file only a motion, a response and a

1 reply without express prior leave of the court.”) Accordingly, Plaintiff’s corrected motion will be
2 stricken.

3 The Court also finds that the Corrected Motion for Appropriate Relief (#167) is without
4 merit. It is clearly appropriate for the Court to decide the partial motion to strike or dismiss the
5 Second Amended Complaint before it permits the filing of a third amended complaint.
6 Accordingly,

7 **IT IS HEREBY ORDERED** that Plaintiff’s Corrected Motion for Appropriate Relief
8 (#167) is **stricken**.

9 DATED this 24th day of January, 2014.

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12 GEORGE FOLEY, JR.
13 United States Magistrate Judge
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